The A. F. of L. Weekly News Service gives a brief summary of important matters affecting labor, occurring in the industrial, legislative and judicial fields, and such other information that will benefit the trade union movement.

# AMERICAN FEDERATION OF LABOR

WEEKLY NEWS SERVICE

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Be certain that he who has betrayed thee once will betray thee again.—Lavater.

WHOLE NO. 939. WILLIAM GREEN, President WASHINGTON, D. C., SATURDAY, APRIL 6, 1929. FRANK MORRISON, Secretary VOL. 19, NO. 4.

## SHERMAN LAW GIVES WIDE POWER TO INJUNCTION JUDGE

An intelligent discussion of the labor injunction is not possible without considering Sections 1 and 4 of the Sherman anti-trust act.

That law was passed in 1890 and labor was assured Congress did not intend it should apply to voluntary associations of workingmen.

What it did, however, was to give equity courts power to issue labor injunctions. Section 1 provides:

**"Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several states, or with foreign nations, is hereby declared to be illegal."**

Every person who shall make such a contract or engage in such a combination or conspiracy shall be fined $5,000 or imprisoned one year, or both.

Section 4 is a wide departure from American judicial procedure as it provides that this law may be enforced by equity process and not by courts of law.

The first labor case under the law was before Federal Judge Billings of New Orleans, in 1893, in United States vs. the Workingmen's Amalgamated Council of that city. The court held that an injunction could issue against draymen whose strike interfered with the transfer of goods from one state to another.

Almost simultaneously, Federal Judge Putnam of Boston took an opposite position.

There the matter stood until the following year when Debs and other officials of the American Railway Union, on strike against the Pullman Company, were enjoined under the Sherman act from maintaining a conspiracy against interstate commerce.

The strike leaders were sentenced to six months in jail for contempt of court. They appealed to the United States Supreme Court for a writ of habeas corpus.

If the writ were granted it would mean an annullment of the sentence on the ground that Federal Judge Woods had exceeded his jurisdiction.

The Supreme Court held that Judge Woods had jurisdiction. This meant that a labor injunction is permissible under the Sherman anti-trust law.

In discussing this historic decision, Prof. A. T. Mason of Princeton University said:

**"Here was demonstrated for the first time the remarkable efficiency with which the injunction can be invoked in labor cases."**

The Danbury hatters' decision was the next important labor case. Here the court held workers can be sued. Section 7 of the law permits the levying of treble damages by an equity court to a plaintiff who alleges conspiracy to restrain his interstate trade.

The Bucks Stove and Range case also came under the Sherman act. The Duplex case and other noted anti-labor decisions have the same background.

In the Coronado case, which involved the United Mine Workers, the Supreme Court ignored judicial precedent and common law procedure by its obiter dictum that a trade union, an unincorporated association, can be sued.

This decision has passed unnoticed, but it is "warehoused" for future use. It has been referred to as "one of the most extraordinary opinions handed down by the court in recent years."

The courts have been so irresponsible in the use of power conferred upon them by Congress that in the Bedford cut stone case the United States Supreme Court ordered workers to handle nonunion stone.

The two lower courts refused such an injunction, but their position was reversed by the Supreme Court.

In their dissenting opinion in this case Associate Justices Holmes and Brandeis charged Congress with being responsible for conferring this power on the courts. They said:

**"If, on the undisputed facts of this case, refusal to work can be enjoined, Congress created by the Sherman law and the Clayton act an instrument for imposing restraints upon labor which reminds one of involuntary servitude."**

## Labor Asks Clear Radio Channel; Unionists To Confer April 15-16

Washington, April 6.—A remarkable trade union conference will be held in this city on Monday and Tuesday, April 15 and 16, when organized labor will ask the Federal Radio Commission to assign an unlimited broadcast channel to Station WCFL, owned and controlled by the Chicago Federation of Labor.

Representatives of national and international unions, State federations and city central bodies will be present. A preliminary meeting will be held at 2 p. m., on Monday, April 15, at A. F. of L. headquarters, when details for presentation of labor's views to the Federal Radio Commission will be perfected. The commission will be met the following day.

There are but 89 channels for radio broadcasting. Of these 40 are assigned to powerful stations as cleared channels, and approximately 600 smaller stations must share the other 49 channels. The radio trust has six or seven of the 40 cleared channels.

Station WCFL, owned by organized wage workers, has limited time and is not permitted to broadcast after 8 p. m., Chicago time. This means three hours earlier along the Pacific coast.

Trade unions ask for one full-time, uncontrolled channel that workers may have an opportunity to present their views to the nation.

"If cleared channels are to be granted to corporations, then organized labor, with millions of members and a real message for the world, wants a cleared channel," declared Hope Thompson, attorney for Station WCFL.

Trade unionists are awake to the invincible power of the radio as a molder of public opinion. These workers realize that the radio, yet in its formative stage, must not be overlooked and that labor and organized farmers must not be crowded off the air.

Possession of a clear radio channel is a necessity in this publicity age.

## HENRY ALLEN PICKED FOR KANSAS SENATOR

Washington, April 6.—Henry J. Allen, noted "can't-strike" Governor of Kansas, has been appointed United States Senator by Governor Reed of that State, to fill the unexpired term by the election of Vice President Curtis.

Allen was publicity director of the Hoover presidential campaign. He was on the first page following the Armistice when, as Governor of Kansas, he secured passage of the Kansas industrial court law, which makes it an offense for workers to quit their employment. The law has not been repealed.

The miners' bituminous strike was Allen's reason for the law. He called on citizens and school children to mine coal, and the response was taken advantage of by the State Executive to show that skill is not necessary in mining coal.

He was given circus publicity, but the public was not informed that these Kansas mines are "feed mines." They are thin veins of coal on the top of the ground, and are not comparable to coal hundreds of feet under the surface, where falling roofs and gas make mining a dangerous calling.

Allen's publicity stunt was laughed at by practical miners, but the public was none the wiser.

## LESS RAIL EMPLOYES WITH LARGER OUTPUT

New York, April 6.—Longer and faster freight trains, with decreased employes and a lower volume of wages paid feature the report of the Pennsylvania Railroad for 1928. There were 15,264 less employes than in the previous year.

The total freight car mileage increased 8,607,000 miles. This meant that longer, heavier and fewer freight trains ran a shorter distance but at an increased speed with more cars in a train.

The average number of employes decreased 15,264 to 186,319. Wages totaled $344,000,000, a decrease of $23,000,000.

In 1922 the average number of freight cars in a Pennsylvania train was 40, in 1924 it was 43, in 1926 it was 45 and last year it reached 55 cars.

The average tonnage carried by a freight train increased in the same way from 838 tons in 1922 to 1,029 tons in 1928. The average speed of freight trains in 1928 was 11.6 miles an hour compared with 10.6 miles in 1926 and 10 miles in 1922.

The same efficiency was shown in coal consumed. The total amount of coal used was 14,344,000 tons, a decrease of 1,006,000 tons from 1927.

The report is indicative of the silent revolution now on in the nation's railroads. In all the great transportation systems workers are being quietly dropped while those employed are speeded up.

## BASIS OF "YELLOW DOG"

A subconscious conviction of inferiority is the basis of the "yellow dog" contract.

No man who values liberty will sign away an inherent right for a mess of pottage.

Only a slave mentality will agree not to associate with his fellows as the price of a job.

Such a mind can not recognize the significance of the "yellow dog" nor relate it to its consequences.

Slavery in every form, and in every age, has been possible because the slave accepted the inferiority complex—he had the slave mentality.

Free men will fight and do not fear its consequences—that's why they are free.

The slave mentality is looking for a "good" master—the free man knows his rights and depends upon himself.

The "yellow dog" is the modern slave bait. Its authors are well aware of the psychological truth: "Control the mind and you control the man."

## MONEY RATES AFFECT LABOR

Interest rates as high as 20 per cent for call money because of wild speculation in Wall Street affects wage workers as well as all other citizens.

In New York City second mortgages, together with bonuses and commissions, cost from 18 to 25 per cent. This excessive charge makes building construction impossible.

Corporations, whose strong boxes are bulging with surplus cash, are loaning money to speculators because of high interest rates. These funds are uncontrolled by government or banks and returns on the loans are more profitable than if the money were invested in industry.

The Federal Reserve System has warned against this speculative wave that is sweeping the nation.

The government can tighten rates and check speculation, but this program likewise effects legitimate business because of the high cost of credit.

The situation illustrates how the welfare of workers is inseparably linked with every social activity.

## "STRETCHING" PLAN OPPOSED BY WORKERS

New York, April 6.—"At no time has the spirit of rebellion among textile workers been so widespread," declares Thomas F. McMahon, president United Textile Workers, in the official magazine of that organization.

"Textile manufacturers should learn from past experiences that there comes a time when necessity will compel their employes to fight to preserve their manhood and womanhood," said Mr. McMahon.

"This point has been reached in the South as well as the North," said the union official, who points to the increasing cost of living and the speed-up programs that the workers call "stretching."

"I am not a pessimist," continued Mr. McMahon, "but I can see nothing that indicates in the remotest degree that textile workers are contented under present low wages and poor working conditions.

"These unscrupulous employers, who would introduce labor specialization plans with the sole thought that labor alone is responsible for depressed conditions in the industry, must be taught that the facts brought out by economists and practical industrial engineers must not be applied only to workers.

"I hope that the mill agents in New Bedford and other places who are endeavoring to cure the 9 per cent plus of labor waste in industry, through labor specialization plans, will report to their stockholders what they are doing to remedy the 50 per cent waste in management as well as the 40 per cent waste due to other causes outside labor. It would be interesting to have such a report made public."

## TWO BIG INDUSTRIES LACK BUSINESS SENSE

New York, April 6.—A review of industry shows a general inclination of business men to limit production to consumption demands. The two exceptions are textiles and coal. In both cases cut-throat competition and excessive production capacity prevail.

There are approximately 500,000 miners in excess of the demand. Low wages prevail in the unorganized fields of West Virginia and Kentucky, while the amount of coal consumed is stationary and is never affected by lower prices, as is the rule in other industries.

The United Mine Workers have made repeated attempts to induce coal owners to co-operate, but these business men insist on a competition that lowers living standards for the workers and brings chaos in these localities.

In textiles, long hours and night work is the rule in the competitive scheme. Obsolete machinery is in the North, while modern machinery and longer hours prevail in the South.

Probably at no time in the history of this industry was workers' unrest so widespread. This is shown by recent strikes in the South, where employers would not believe their "native stock" Americans would strike to enforce improved conditions.

More important than the gains, however, is a consciousness of independence and solidarity that is sweeping through the workers of that section.

## LONG WORKING WEEK URGED BY EMPLOYERS

Harrisburg, Pa., April 6.—The bugaboo of "southern competition" was presented by manufacturers in opposing the McCrossin women's 44-hour week bill at a State Senate committee hearing.

"You will drive us out of the State," shrieked the employers, who presented their ancient plea with all the fervor of men who have discovered a new argument.

Textile employers were especially vigorous in their opposition. They seem unaware that Southern workers are forming their lines against the long work day.

"There must be something wrong with an industry that thrives on cheap labor and long hours of work," said Senator McCrossin. "There must be something wrong when textile conditions in the Southern States are held up as ideal. It is a well known fact that poor work is done in the late hours of the day and that the best work is produced early."

"I have hundreds of letters of protest and most of those are from flagrant violators of the existing 54-hour law and other working regulations."

## BOND ISSUE VOTERS MUST OWN PROPERTY

Phoenix, Ariz., April 6.—The Arizona legislature passed a law which limits voting on bond issues to owners of real property.

Opponents insist that these taxpayers simply shift their charges to renters, who are the actual taxpayers, but this economy was rejected by twentieth century "statesmen."

## SALES TAX LOOMS

Duluth, Minn., April 6.—The proposed cigarette tax of 2 cents on each package, now pending in the State Legislature, is a forerunner of the sales tax, warns William E. McFeeley, veteran trade unionist and editor of the Duluth Labor World.

"Let this bill become law and two years from now the Legislature will be asked to place a sales tax on cosmetics," said Mr. McFeeley. "Then it will be candy and chewing gum. And as the cost of government continues to mount the burden will be levied on the necessities of life. This is the history of sales tax legislation."

### OLD-TIME UNIONIST PASSES

New York, April 6.—Walter Nelson Thayer, old-time trade unionist and one of the noted penologists in this country, died in this city on April 3. He was a former member of the Typographical Union and served as president of the New York Federation of Labor in 1884 and 1885. He was appointed warden of Dannemora prison by Governor Flower in the early 90's and became interested in prison reform.

### STEREOTYPERS GAIN

Billings, Mont., April 6.—Stereotypers employed on newspapers raised wages to $8.13 a day for foremen and $7.13 for journeymen. Former rates were $7.76 and $6.75.

## SEVEN STATES MAKE HALF OUR PRODUCTS

Washington, April 6.—Seven States — Pennsylvania, Illinois, Ohio, Michigan, New Jersey and Massachusetts—contributed 60.1 per cent of the total industrial output of the United States in 1927, according to the Department of Commerce. This output was valued at $63,721,375,881.

New York, with 1,072,284, reported the largest number of wage earners. The combined number of wage earners employed in the seven States was 4,827,197, or 57.8 per cent of the total for the United States. New York's percentage was 12.8.

## STATE COSSACK BILL LOSES IN ILLINOIS

**Springfield, Ill., April 6.—The State Senate rejected the Dunlap Cossack bill by a vote of 35 to 14, and organized labor sends scores over this vicious proposal.**

**The bill has been urged at every legislature since 1916 by large corporate interests that profess an unusual interest in farmers.**

**Trade union opposition has been so thorough that Illinois citizens are acquainted with the underlying motive to create a state police system that is only responsible to the governor.**

### STATE LABOR BOARD INCLUDES UNIONIST

Raleigh, N. C., April 6.—President Wilson of the North Carolina Federation of Labor was appointed on the State Industrial Commission by Governor Gardner. The two other members represent employers and the public. Mr. Wilson is a member of the Typographical Union and was working at his trade in Winston-Salem when appointed.

## $813,325 SPENT TO PROTECT GAME; WORKERS' LIVES WORTH BUT $53,280

San Francisco, April 6.—This State, last year, voted $813,325 to protect fish and game, and but $53,820 to the California Industrial Accident Commission to protect human life, says President Frank C. MacDonald, president State Building Trades Council, in his annual report.

The trade unionist compiled a sensational group of statistics on deaths and injuries due to industrial workers and the disregard of society to this situation.

During the four years, 1924-1927, there were 970,747 employes killed and crippled in this State. "This is seven times the number that our standing army, and larger than the population of the city and county of San Francisco," said Mr. MacDonald.

He compared the $53,820 voted to protect life to last year's cost of $1,376,226 to guard and care for 5,700 prisoners in the Folsom and San Quentin State penitentiaries.

"It costs $61.77 a year to guard each prisoner, as compared with 7 cents expended by the State to guard the lives of free citizen workmen.

"There was an appropriation of $24,489 for the State Board of Dental Examiners, who held three examinations during 1928 for a total of 414 applicants, of whom 297 were approved. Apparently it cost approximately about $82 a year to examine the dentists, as compared with approximately 7 cents a year to protect the lives of workmen."

## FRENCH SAY AMERICA WILL JOIN RAIL TRUST

New York, April 6.—Well-informed French business circles understand that the American rail industry has agreed effectively to participate in the powerful European steel rail trust, technically known as "Erma," according to a special Paris cable to the New York Times.

"Formed in 1926, under the name of the European Rail Makers' Association, the combination includes British, French, German, Belgian and Central European manufacturers," says the Times correspondent. "The formal adherence of American industry would not change the physical make-up of the trust, inasmuch as it has long been known that Americans have been receiving a portion of the British quota. But the moral effect of American participation would be considerable.

"There is an impression among Continental rail manufacturers that American legislation against trusts lately seems to have been relaxed. Rail makers in the United States, it is said, were the first to take advantage of the new situation by joining the European trust."

"If the current report proves to be correct, and little doubt is expressed here on that score, Europeans believe that the decision is a good augury for the future participation of American industries in other Old World trade cartels (trusts)."

## POOR EYESIGHT IS RULE WITH ONE-HALF WORKERS

Jersey City, N. J., April 6.—"One out of every two workmen cannot see properly," said Dr. Lewis Loeb and H. Carris of the National Society for the Prevention of Blindness, in an address to employees and foremen of industries in this vicinity.

"Thousands of cases of seriously defective vision among working men and women could be prevented by remedying faulty illumination in industry and by providing adequate eyesight examinations for workers," said Mr. Carris. The speaker said that thousands of industrial accidents could be prevented by better plant lighting. Other benefits would be decreased spoilage and errors, decreased compensation costs and increased plant morale, he said.

## WOMEN'S BILL FAILS

Albany, N. Y., April 6.—The State Legislature adjourned without acting on the 48-hour law for women and minors in industry, which was urged by organized labor.

Trade unionists could not secure passage of a bill which would provide for hearings before an injunction is issued in an industrial dispute.

## PENSION ACT PASSED; ILLINOIS LABOR WINS

Springfield, Ill., April 6.—The old-age pension bill passed the House by a vote of 84 to 49.

Representative Soderstrom, author of the bill, made an impassioned plea for aged men and women "who are facing the winter of life, defenseless and weak," and who ought not to be "crowded further like so much refuse" in poorhouses.

"Older countries that cannot boast of being the land of the free and the home of the brave' have passed old-age pension laws, why not America? We spend more on the army to conserve the home rather than the poorhouse by giving old, worn-out workers the small pension provided for by this bill so that in the twilight of life they may dream their dreams by their own fireside."

Representative Petri of Belleville said employment is affecting not only aged people, but even persons of middle age. "If the members of the House would put on overalls and look for jobs in my district," he declared, "they would wear the soles off their shoes without finding work."

Opponents of the measure denied that men are scrapped over 45 years and referred to the bill as dealing with "an alleged social problem."

The bill now goes to the Senate which approved a similar measure two years ago.

## AUTOMOBILE CITY HAS SURPLUS LABOR

Flint, Mich., April 6.—There are large numbers of unemployed in this city, but employment in the different parts of the country are advertising that work can be secured.

The Federation of Labor appointed a committee to advertise lack of employment here. Flint is a one-industry city and automobile employment fluctuates more than any other industry.

A study on this industry in Flint by the United States Women's Bureau shows that automobile factories, during the slack season, work no more than two and one-half days each week, but three, four or five days instead. For this reason many women either a layoff or part time and low pay.

### SHOP MEN GAIN

Chicago, April 6.—Wage increases of 4 to 8 cents an hour have been secured by about men on the Chicago, Milwaukee, St. Paul & Pacific Railroad. The increase totals $1,000,000 and was negotiated by the Federated Shop Crafts, affiliated to the Railway Employes Department, A. F. of L.

### PASS BARBER BILL

Harrisburg, Pa., April 6.—The House passed the Hess barber bill, which provides for the licensing of barbers by the state and the creation of a state board.

## HOOVER ORDER HALTS STRIKE ON RAILROAD

Washington, April 6.—President Hoover, acting under authority of the railway labor law, has created an emergency board of inquiry to investigate and report on the dispute between the Texas & Pacific railroad and the four railroad brotherhoods.

Under the law, an emergency board is set up and no carrier or employes fail to compose differences. When the board is created the status quo must be maintained by both parties until the board reports. A decision must be made not later than 30 days after appointment.

Grievances of the Texas & Pacific employes have grown largely from the railroad's removal of its yards from Longview and Marshall, Texas, to Mineola and Shreveport. Employes are buying homes on long-time payments and they claim the carrier should make good their loss.

The employes have attempted to negotiate a settlement for six months.

The Texas & Pacific railroad, faced by this extensive strike, took advantage of the railroad labor act. Several months ago it refused to accept the same law, which permits employes to select the union that will represent them. The carrier recognized a company "union" of clerks and was charged with contempt of court by Federal Judge Hutcheson of Houston. The case was carried to the Circuit Court of Appeals at New Orleans.

## Green Protests Physical Examinations That Would Enforce 40-45 Age Limit

Washington, April 6.—President Green has asked Governor Franklin D. Roosevelt of New York to veto a physical examination amendment to the compensation law that was rushed through the closing hours of the New York State Legislature.

The law would give employers sweeping power to select workers who are 100 per cent physically fit and throw all others on the industrial scrap heap, as President Green pointed out.

Mr. Green wrote:

"My dear Governor: The undersigned respectfully urges the executive veto of Assembly Bill No. 2147, introduced by Mr. McKay and passed in the closing hours of the New York Legislature. I venture the opinion that if the people of New York State understood this law, and its consequences, it would be overwhelmingly repudiated.

"This bill fosters physical examination of workers to an extent unequaled in any country.

"Because of New York's leadership in production, such a law would have a far-reaching effect. It would be copied by other States as it would be possible for employers to throw on the industrial scrap heap any worker who could not reach their physical standards.

"These standards could be used for any purpose the employer sees fit.

"The measure before you is marked by an absence of common humaneness and will enlarge the number of wards of the State because of the increased army of unemployed.

"The State should not be a party to such a policy that will permit employers to cast off at will, while the State and society pay the price for legalizing this industrial draft."

## HOOVER PROCLAIMS CHILD HEALTH DAY

Washington, April 6.—President Hoover proclaimed May 1 as Child Health Day. He urged associations interested in the subject to bring about a nation-wide understanding of the importance of conserving the health of youth.

"The future of our nation rests with the children of today," he said. "The good health and protection of childhood is fundamental to national welfare, and the march forward of our country must be upon the feet of children."

## OLD-AGE PENSION LAW APPROVED IN ONTARIO

Toronto, Ottawa, April 6.—This province has passed the old-age pension law, provided by a Dominion statute. Under the act the province and the federal government pay 50 per cent of the cost.

## Rail Labor Wants Six-Hour Day; Strike Era Not Passed, They Say

Boston, April 6.—A six-hour day for railroad employes who will not surrender their right to cease work were features of addresses by President Whitney of the Brotherhood of Railway Trainmen and Assistant President Shea of the Brotherhood of Locomotive Firemen and Enginemen at a meeting of New England Brotherhoods' lodges in this city.

President Whitney was cheered when he said: "All four of the big train service brotherhoods are committed to the six-hour day policy."

President Shea challenged the statement by Samuel E. Winslow, chairman of the United States Board of Mediation, that the day of strikes has passed. Mr. Winslow said "arbitration and mediation have brought an end to the danger of strikes in this country."

"Neither the railway labor act nor any other law will prevent railway employes from striking for justice," said Mr. Shea, in a climax that was applauded.

"I believe the railroad labor act provides the machinery for settling disputes and is the best law ever devised," he continued. "While all settlements do not give us all we wanted, we have improved conditions and wages, but not enough.

"I do not agree with Colonel Winslow that the railroad labor act will prevent strikes, as questions will arise that the brotherhoods will not arbitrate and which will leave the strike as the only weapon for us to use.

"This will be our weapon of last resort only. When we strive to get a living wage and prevent the railroads from working men long hours overtime without proper compensation, a principle is involved which is not arbitrable and for which you must be prepared to make a sacrifice."

Both brotherhoods' officials called attention to the rapid displacement of workers through new methods. "No nation can continue great unless it corrects its social evils and unemployment is one of the greatest of these evils," said President Whitney.

### CREDIT UNIONS LEGAL

Phoenix, Ariz., April 6.—The State Legislature legalized credit unions. These organizations join small amounts of money at a moderate interest rate.